

Response to Arguments

1. Applicant's arguments filed 6/06/2012 have been fully considered but they are not persuasive.

On page 15, the applicant equates the term 'application' to the term 'computing application'. As it can be seen in the rejection, the examiner brought in another reference, Tagawa, to teach a computing application that contains executable code. The term application as used in the rejection based on Florin refers to elements in Florin's system that are transmitted with the television signal and provide interactivity. These elements include the EPG and interactive displays such as the info mart in Fig. 11, col. 14, lines 36 – 46, line 54- col. 15, line 8 that are distributed to the user as data associated with the television signal.

In response to the arguments in paragraph 2 on page 16, as was clearly stated above, Florin is not described as having computing applications comprising executable code. Florin has applications such as the info mart in Fig. 11 or the select icon 400 in figure 44 that allows interactivity. Florin, as already stated in the claim rejection, also teaches data about the user interactions being sent to the server/headend col. 24, lines 32 - 42.

With regards to the arguments on page 17 concerning Tagawa, Tagawa was brought in for it's teaching on transmitting executable software with a television signal and this is clearly seen in the reject. The issues with regards to Tagawa not teaching the functionality of the transmitted application and the server receiving information about the user interaction are already covered by Florin with it's teaching of displaying data in PIP,

col. 8, lin– 61 - col. 9, line 1, info mart in Fig. 11 and the select icon in fig 44. Florin also teaches the server receiving interactive information in col. 24, lines 32 -42

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 68 – 78, 82 – 83, 85 – 94, 97 – 104, 106 – 116, 120 – 121, 123 – 132, 135 – 138 and 246 - 263 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin, patent number: 5 583 560 in view of Tagawa, patent number: 4 866 515 .

As per claims 68, 87, 101, 106, 125, 246- 248 and 253 – 263, Florin teaches using a server to transmit to a client both a television program and an application (providing videos and interactive data to clients, col. 8, lines 52 - 54) display of interactive information associated with the television program while the television program is being displayed at the client (receiving and displaying video and interactive data, col. 8, line 61 – col. 9, line 1);

The interactive information to show or describe an item to a television viewer (commercials, col. 23, lines 54 - 56)

Detecting, at the server, a signal representing a viewer interaction with the interactive information, the viewer interaction indicating a selection of the item (server receiving information, col. 24, lines 33 - 42) and

In response to the viewer interaction, causing an order for the item to be placed (ordering product, col. 24, lines 8, lines 32 - 34)

Florin does not teach a computing application comprising executable code.

In an analogous art, Tagawa teaches a stream comprising executable code to be executed at the client to cause display of interactive information (multiplexing video, audio and software signals, the software being executed at the receiver to generate interactive data, col. 2, lines 20 - 31, col. 4, lines 17 - 20, col. 7, lines 45 - 52, col. 9, lines 10 - 27, lines 55 - 62)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Florin's interactive system by including a system that executes interactive data for the advantages of improving user's experience while interacting with the system.

As per claims 69, 88, 107 and 126, The combination of Florin and Tagawa teach wherein the viewer interaction causes display of instructions to solicit information necessary to place the order (Florin: requesting PIN from user, col. 24, lines 29 - 32).

As per claims 70, 89, 108 and 127, The combination of Florin and Tagawa teach wherein the information is solicited using one or more of an on-screen display and voice instructions (Florin: requesting PIN, col. 24, lines 29 - 32 Fig. 49, 420).

As per claims 71, 90, 109, 128 and 249, The combination of Florin and Tagawa teach wherein the viewer interaction is by way of a single command (Florin: pressing the select button, col. 23, lines 56 - 61).

As per claims 72, 91, 102, 110, 129 and 250, The combination of Florin and Tagawa teach wherein the single command is selected from the group consisting of: selecting of a single button (Florin: pressing the select button, col. 23, lines 56 - 61); and pressing of a single button on a TV remote control.

As per claims 73, 92, 103, 111, 130 and 251, The combination of Florin and Tagawa teach wherein causing the order to be placed is achieved by using: information related to the item and viewer related personal information (Florin: sending order to headend, col. 9, lines 9 - 12).

As per claims 74, 93, 112 and 131, The combination of Florin and Tagawa teach wherein the personal information includes at least one of the group consisting of the viewer's name, address, method of payment and payment account number (Florin: confirming order and delivery time, col. 24, lines 40 - 41).

As per claims 75, 94, 113, 132 and 252, The combination of Florin and Tagawa teach wherein the personal information is stored in memory at the client (Florin: memory, col. 9, line 65 – col. 10, line 1).

As per claims 76 and 114, The combination of Florin and Tagawa teach wherein the system further includes a local computer in communication with the client and associated storage and wherein the method further comprises:
using the client to retrieve information from one or more of the local computer and the associated storage (Florin: external CD-ROM, col. 10, lines 13 - 17)

As per claims 77 and 115, The combination of Florin and Tagawa teach wherein the method further comprises: controlling the client by means of the local computer (Florin: external CD-ROM, col. 10, lines 13 - 17).

As per claims 78 and 116, The combination of Florin and Tagawa teach wherein the local computer is part of a local area network (Florin: external CD-ROM, col. 10, lines 13 - 17).

As per claims 82, 97, 120 and 135, The combination of Florin and Tagawa teach further comprising:
sending an order confirmation to the user to confirm the order (Florin: order confirmation, col. 24, lines 40 - 41)

As per claims 83, 98, 104, 121 and 136, The combination of Florin and Tagawa teach wherein the server is configured to provide data in a series of multiplexed packets, ones of which contain data representing the video, and others of which represent the computing application (Florin: sending video and data to users, col. 10, lines 32 – 44, col. 8, line 52 - col. 9, line 4).

As per claims 85, 99, 123 and 137, The combination of Florin and Tagawa teach wherein the client includes a client computer and an auxiliary processor, the method comprising:

using the auxiliary data processor to process data representing the video, and using the client computer to execute the computing application (Florin: processing, col. 8, line 52 – col. 9, line 13).

As per claims 86, 100, 124 and 138, The combination of Florin and Tagawa teach wherein the client computer and the auxiliary data processor are contained in a set top box (Florin: transceiver 54, col. 8, line 1)

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 79 -81, 95 – 96, 117 – 119 and 133 – 134 are rejected under 35 U.S.C.

103(a) as being unpatentable over Florin, patent number: 5 583 560 in view of Tagawa, patent number: 4 866 515 in further view of Coddington, patent number: 5 410 343.

As per claims 79 -81, 95 – 96, 117 – 119 and 133 – 134, the combination of Florin and Tagawa teach an interactive system that transmits video and data to a client and allows the client to order products.

The combination does not teach a system that transmits the user's orders through a telephone system.

In an analogous art, Coddington teaches a system that communicates with the server through a telephone system (ADSL and PSTN systems, col. 6, lines 11 - 47)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of Florin and Tagawa by including a communication system based on telephone infrastructure, as described in Coddington's VOD system, for the advantages of making the system compatible with one way transmission systems.

3. Claims 84, 105 and 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin, patent number: 5 583 560 in view of Tagawa, patent number: 4 866 515 in further view of Banker, patent number: US 5 485 221.

As per claims 84, 105 and 122, The combination of Florin and Tagawa teach an interactive system that transmits video and data to a client and allows the client to order products.

The combination does not teach a system that transmits the data multiple times.

In an analogous art, Banker teaches wherein the computing application is repetitively transmitted during times that the video is transmitted (repeatedly transmitting data, col. 17, lines 40 - 47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Florin and Tagawa by retransmitting data to a user, as described by Banker's television system, for the advantages of ensuring correct reception of data.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUGBENGA IDOWU whose telephone number is (571)270-1450. The examiner can normally be reached on M - F between 8 AM and 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 5712727527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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